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to the same extent as upon the rules relating to the war on sea it is, nevertheless true that a more correct understanding and application of them in any future wars will save an enormous and entirely unnecessary waste of life and property.

The author does not attempt to dodge but brings his learning and his critical faculties to the solution of every question. I am familiar with no work which seems actuated by a spirit of greater fairness. Extensive as is the treatment, Dr. Spaight does not attempt to cover the whole field of the Law of War but states (page 28): "I have therefore purposely confined myself to the consideration of such questions only as would probably come under the purview of such an adviser. [As the legal advisers which accompanied the Japanese armies in the field.] The questions I deal with are those which might arise, they have not all arisen in anyone war, and require to be answered on the spot, without reference to the home government."

ELLERY C. STOWELL.

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Spargo, John. *Sidelights on Contemporary Socialism.* Pp. 154. Price, \$1.00. New York: B. W. Huebsch, 1911.

Macdonald, J. R. *The Socialist Movement.* Pp. xiii, 256. Price, 75 cents. New York: Henry Holt & Co., 1911.

Mr. Spargo's volume, written primarily for socialists, is made up of three lectures which he has delivered from time to time in different parts of the United States. In these lectures he has undertaken three distinct tasks: (1) to free Marx of the charge of being a materialist; (2) to attack the position of those who object to the active participation in the socialist movement of those who are not manual laborers, *i. e.*, "intellectuals;" and (3) to define his position on the "relative merits of the two wings of the socialist movement broadly designated as 'opportunist' and 'revolutionary.'"

Mr. Spargo is an opportunist, and in this volume he has given us a most interesting and scholarly discussion of the above matters from that point of view, a discussion which is indeed a distinct contribution to the literature of socialism.

"The Socialist Movement," by Mr. Macdonald, however, is not such an excellent piece of work. It is as satisfactory as that type of volume usually is, but it lacks originality and attempts to discuss too many phases of the socialist propaganda.

The book is divided into four parts: (1) a brief statement of the evolution of political, industrial and social institutions; (2) an exposition of the socialist criticism of the capitalistic system; (3) an explanation of what socialism is and what it seeks to accomplish; and (4) a short history of the socialist movement and a sketchy statement of its present strength throughout the world.

The volume will prove most acceptable for propaganda purposes. This no doubt will fulfil the hope of its author, but it can make no claim to

originality either in argument or in the manner in which the subject has been treated.

IRA B. CROSS.

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Taylor, Hannis. *The Origin and Growth of the American Constitution.* Pp. xlii, 676. Price, \$4.00. Boston: Houghton, Mifflin Company, 1911.

Three years ago Mr. Taylor, in a chapter of his *Science of Jurisprudence* gave a discussion of the Contributions of America to Jurisprudence, the point of interest in which was his defense of the claims of Peletiah Webster to the authorship of our federal form of government. Though the scope of the discussion has been broadened "The Origin and Growth of the American Constitution" is chiefly notable for its exhaustive analysis of the work of the man whose "great discovery in modern political science" has been largely unrecognized.

Other writers, Mr. Taylor insists, have either covered their ignorance of the origin of the American system by vague generalities or, overlooking material near at hand, have sought our origins abroad. American constitutional forms are developed, he insists, from American experience. The difficulties of the government under the confederation gave rise to the "totally novel" solution proposed in a document of February sixteenth, 1783, by Peletiah Webster, "a great political economist and retired financier, the Adam Smith of that epoch." On this pamphlet, Mr. Taylor argues were based the three plans of Madison, Pinckney and Hamilton. Webster's right to be considered the real author of American federalism, "the author was the first to work out. It really involved no great amount either of study or research; there was really no opposing theory. . . . And yet there is still here and there an ancient jurist or statesman . . . who resents any attempt to disturb the illusions of his earlier years. Peletiah Webster's *alma mater*, the University of Yale, still treats with scornful silence the fame of her immortal son. In all this there is nothing out of the usual course." The first half of the treatise after tracing the New England town meeting back to the German assemblies discussed by Cæsar and Tacitus, with which they are asserted to be organically connected, outlines the evolution of American governments, and their attempts at co-operation, culminating in the constitutional convention of 1787. The latter is treated at length with special reference to the influence of Webster's pamphlet.

It will appear to most readers that Mr. Taylor, having cast aside the "inspiration" theory of the constitution, advocated by Gladstone and finding insufficient the explanation from the basis of foreign experience, has himself fallen into another error—that of hero-worship. That Webster's pamphlet did clearly outline the division of federal and state powers on much the same lines as were later adopted may be admitted. His contemporaries give him credit for what he has contributed, though not in the explicit way Mr. Taylor might wish.

The American sources upon which the author relies do not show so clear